

Application No.: 10/020,894
Amendment dated March 3, 2005
Reply to Office Action dated December 3, 2004

Docket No.: 8733.556.00-US

REMARKS

The Examiner is thanked for the thorough review and consideration of the present application. The non-final Office Action dated December 3, 2004 has been received and its contents carefully reviewed.

By this Response, claims 4 and 5 have been amended to properly depend from claim 1. No new matter has been added. Applicants note claims 3 and 21 were previously cancelled without prejudice or disclaimer. Claims 1, 2, 4-20 and 22-27 are pending in the application. Applicants request reconsideration and withdrawal of the rejections in view of the above amendments and the following remarks.

In the Office Action, claims 1-18 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 11-19 of co-pending Application No. 10/620,575. Applicants respectfully disagree with the rejection. As a preliminary matter, Applicants note claims 11-17 of Application No. 10/620,575 are cancelled. Applicants respectfully submit that the claims of the present application differ from claims 18 and 19 of Serial No. 10/620,575 in that the claims of the present application recite an in-plane switching liquid crystal display device including “an auxiliary pattern perpendicularly extended from the first conductive line” (See, independent claims 1 and 10). Further, Applicants submit the auxiliary pattern prevents residue from conductive materials from connecting the pixel electrode to the data line, thus causing a short circuit (see, Specification, paragraph [0014], lines 4-6). Thus, the claims of the present application differ in scope over the claims of Application Serial No. 10/620,575, and therefore do not “improperly extend the ‘right to exclude’” as asserted by the Examiner in the Office Action. Reconsideration and withdrawal of the rejection of independent claim 1 and its dependent claims 2 and 4-9, and independent claim 10 and its dependent claims 11-18 are respectfully requested.

In the Office Action, claims 19-27 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 25 and 26 of co-pending Application No. 09/836,352. Applicants kindly note that Application No. 09/836,352 is now Patent No. 6,636,289 (hereafter “‘289 Patent”). Applicants traverse the rejection because the claims of the present application differ from the claims of the ‘289 Patent

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in that the present claims of the present application recited a method for fabricating an in-plane switching liquid crystal display device that includes "forming an auxiliary pattern perpendicularly extended from the first conductive line" (see, independent claim 19). As such, the claims of the present application differ in scope over the claims of the '289 Patent. Accordingly, reconsideration and withdrawal of the rejection of independent claim 19 and its dependent claims 20 and 22-27 are respectfully requested.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue. If the Examiner deems that a telephone conversation would further the prosecution of this application, the Examiner is invited to call the undersigned at (202) 496-7500.

If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136, and any additional fees required under 37 C.F.R. §1.136 for any necessary extension of time, or any other fees required to complete the filing of this response, may be charged to Deposit Account No. 50-0911. Please credit any overpayment to deposit Account No. 50-0911. A duplicate copy of this sheet is enclosed.

Dated: March 3, 2005

Respectfully submitted,

By Valerie Hayes
Valerie Hayes

Registration No.: 53,005
MCKENNA LONG & ALDRIDGE LLP
1900 K Street, N.W.
Washington, DC 20006
(202) 496-7500
Attorney for Applicant